

LEGISLATIVE TESTIMONY



COMMISSION ON HISPANIC AFFAIRS

CHA Testimony on Limiting Enforcement of Mobile Housing for Range Shepherders to Federal Standards

Relevant Bill:
SB 5696
Primary Sponsor:
Senator Honeyford

Good morning, Mr. Chair, members of the committee. My name is Antonio M. Ginatta, and I am the Executive Director of the Commission on Hispanic Affairs. The Commission is tasked by the people of the State of Washington with advising the Governor, the Legislature, and state and local agencies on issues of concern to the Latino community.

The Commission finds itself in a difficult position today, testifying regarding its concerns about Senate Bill 5696. Through its conversation with members of the Latino community of the state, the Commission has identified two long-standing and equally important priorities. First, the Commission recognizes the importance of protecting the basic rights of all of the state's Latino workers, rights afforded to them by our state's Constitution. At the same time, the Commission believes it should do whatever possible to promote the economic development of the Latino community, which of course includes Latino business owners and entrepreneurs.

The business of sheep ranching in the state is heavily influenced on all sides by a Latino presence. Both of the major sheep ranchers in the state are of Hispanic origin. Most of all (if not all) of the workers are Latino immigrant workers, from countries like Peru and Chile. S.B. 5696 would require the state's Department of Labor and Industries to apply federal (instead of state) standards in overseeing employer-provided housing, specifically in the context of mobile housing for range shepherders.

The issue before the Commission on Hispanic Affairs is how best to advise the committee on this bill. We recognize the long-term value of promoting Latino-owned businesses in the state. Several members of the Commission are members of their regional Chambers of Commerce. I myself participate as an honorary member of the South Puget Sound Hispanic Chamber of Commerce. On the other hand, we are keenly aware of the hardships inherent in being an agricultural worker, be it harvesting apples, working at a meat-processing facility, or herding at a sheep ranch. We have also struggled with the issues of employer-provided housing in the past.

One way to better inform ourselves was to review the applicable legislation. From our understanding, L&I was asked a couple of years ago whether its temporary worker housing standards were applicable to mobile housing for shepherding. Clearly, the requirements for centrally based housing could not be directly applicable to a job that required significant mobility, such as in shepherding. L&I reviewed its rules, declared it did have jurisdiction

over this housing, but issued a directive that explained the applicability of its temporary worker housing rules to this industry. Some of the requirements stayed, and some of the rules were declared unfeasible. Sheep ranchers were uncomfortable with this directive, specifically with language that stated that “in most cases, infeasibility [was not] a valid defense against citation.” The directive did, on the other hand, grant L&I some flexibility in considering the unique circumstances of sheepherder housing.

If this bill is passed, the protections afforded to the sheepherders in our state would be set aside in favor of less protective federal standards. Some of the differences we noted were as follows:

- 1) The state’s rules would require that the housing operator must provide adequate and convenient hot and cold water supply for drinking, cooking, bathing, and laundry. The federal rules do not require the provision of hot water.
- 2) The state’s rules would require that outdoor toilet facilities (pit privies) be at least 100 ft from any sleeping, dining, or cooking facility. The federal rules do not.
- 3) The state’s rules require the provision of mechanical refrigeration for food storage. The federal rules do not, stating that “salting” food is an acceptable method of food storage.

In reviewing the differences between the federal law and the state law, the Commission recognizes that the state does place more stringent requirements on the sheep rancher in the provision of housing. But in reviewing these requirements, we do not believe that hot water, sanitary toilet facilities, or refrigeration are excessive requirements.

Through our experience, we are also of the position that this state is better suited to address the needs of its workers than is the federal government. The people of the state have declared that the federal minimum wage is insufficient to provide for a family in Washington, and have therefore raised it. The people of the state have recognized that gender discrimination is unacceptable, and our Constitution prohibits it (Article 31). And the people of the state have recognized that it is our duty to protect our employees, and so says our Constitution (Article 2, Section 35).

We therefore advise that the state is best suited to set the standards for housing for all of our workers, and that the state has done so through Labor & Industries’ regional directive. We are very willing to discuss with L&I the issue of feasibility with the goal of making its rules clearer and therefore easier to enforce. And we want to support every possible effort of Latinos to enter and thrive in the business community, in the context of the protections embodied in our state’s laws and constitution. For this reason, we express our concerns with the bill before you. Thank you very much for your time.

The people of the State of Washington have tasked the Commission on Hispanic Affairs with advising the Governor, the Legislature, and state and local agencies on issues that affect the Latino community of the State. The Commission meets with members of the Latino community six times a year throughout the state to gather information as to their concerns.